

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EDMIR RIVERA MOJICA

DEBTOR

CASE NO 11-01045 ESL

CHAPTER 13

**MOTION FOR REOPENING OF CASE UNDER 11 U.S.C. §350(b) AND
REQUEST FOR ENTRY OF DISCHARGE ORDER**

TO THE HONORABLE COURT:

COMES NOW, **EDMIR RIVERA MOJICA**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. On February 11, 2011, the Debtor filed a petition for relief under Chapter 13 of Title 11, U.S. Code §§1301 et seq., in the above captioned case.
2. The Debtor completed all Plan payments and on April 19, 2017, the Chapter 13 Trustee filed a *Final Report and Account Plan Completed*, docket no. 88.
3. However, the Clerk of the Bankruptcy Court for the District of Puerto Rico issued a *Notice of Intent to Close Chapter 13 Bankruptcy Case Without Discharge*, docket no. 89, which became due on May 04, 2017. In said *Notice of Intent*, the Clerk gave notice that pursuant to PR-LBR 3015-2 (j), the Debtor had not filed the required Domestic Support Obligation ("DSO") certification.
4. On May 22, 2017, the Court issued an *Order Discharging Trustee and Closing Estate*, docket no. 91.

5. The Debtor respectfully alleges that due to a misunderstanding, the Debtor did not file with this Honorable Court the aforestated DSO certification. That as of the date of the case closing, May 22, 2017, the Debtor was current concerning the DSO post-petition payments, having submitted to the Chapter 13 Trustee, April 20, 2017 (uploaded date), a DSO Certification issued by ASUME to that effect. The Debtor respectfully alleges that this was an involuntary omission, with no intent to disobey the Orders issued by this Honorable Court, in the above captioned case.

6. Furthermore, on this same date, July 18, 2017, the Debtor is filing with this Honorable Court a document entitled *Debtor DSO Certification of Compliance With Bankruptcy Code Section 1328(a)*, in compliance with PR-LBR 3015-2 (j).

7. That the granting of this motion by this Honorable Court will not prejudice the creditors and parties in interest, in the above captioned case.

8. That in the present case, due to the aforementioned, a Discharge Order Upon Completion of Plan Payments, was not entered by the Court and the case remains closed.

9. Under Section 350(b) of the Bankruptcy Code, 11 U.S.C. §350(b), a debtor may request by motion that the court reopen a case to accord relief to the debtor or for other cause. 11 U.S.C. §350(b) and Rule 5010 of the Federal Rules of Bankruptcy Procedure.

10. The Debtor respectfully requests the Court to reopen his bankruptcy case and enter a Discharge Order since the estate was fully administered and the debtor has complied with the DSO certification requirement. Rule 5010 of the Federal Rules of Bankruptcy Procedure.

NOTICE UNDER PR-LBR 5010-1:

NOTICE: Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was electronically filed using the CM/ECF system which will send notification of the same to all CM/ECF participants including: the Chapter 13 Trustee Alejandro Oliveras Rivera, Esq.; US Trustee's Office, Monsita Lecaroz, Esq., Assistant US Trustee; and I also certify that a copy of this motion was sent via regular mail to Edmir Rivera Mojica, Urb San Souci U 7 Calle 15 Bayamon PR 00957, the Debtor in the above captioned case; and to all creditors and interested parties (CM/ECF non-participants) appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 18th day of July, 2017.

/s/Roberto Figueroa Carrasquillo
USDC #203614
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR DEBTOR
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

EDMIR RIVERA MOJICA

Case No. 11-01045/ESL

Chapter 13

Debtor(s)

Debtor(s)' DSO Certification of Compliance With Bankruptcy Code Section 1328(a)
[Certificación de (los) Deudores del Cumplimiento con la Sección 1328(a) del Código de Quiebras]

TO THE HONORABLE COURT:

Pursuant to Bankruptcy Code Section 1328(a) the subscribing debtor(s), of the case of reference, hereby certifies, under penalty of perjury, the following: [Conforme la Sección 1328(a) del Código de Quiebras el (los) suscribiente(s) deudor(es), del caso de referencia, por la presente certifica(n), bajo pena de perjurio, lo siguiente:]

I (We) certify having completed all payments under the Chapter 13 plan approved by this Court. [Yo (Nosotros) certifico (certificamos) haber completado todos los pagos bajo el plan de Capítulo 13 aprobado por este tribunal.]

[] I (We) certify that there were no Domestic Support Obligations due to be paid by the debtor. [Yo (Nosotros) certifico (certificamos) que no habían obligaciones de manutención a ser pagadas por el deudor.]

[x] I (We) certify that all my Domestic Support Obligations, payable under judicial or administrative order, or by statute, that became due on or before the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid. [Yo (Nosotros) certifico (certificamos) que todas mis obligaciones de manutención, cuyo pago era exigible bajo orden judicial o administrativa, o por ley, y que vencieron en o antes de la fecha de esta certificación (inclusive aquellas cantidades vencidas antes de que esta petición fuera radicada, pero solo en la medida provista por el plan) han sido pagadas.]

[] I (We) certify that after the order for relief under this Chapter there is no Court order approving a written waiver of discharge request. [Yo (Nosotros) certifico (certificamos) que después de la orden de alivio bajo éste Capítulo no hay orden del tribunal aprobando una solicitud escrita renunciando la orden de descargo.]

The foregoing declaration is submitted under penalty of perjury and I declare that the same is true and correct to the best of my information and belief. [Esta declaración es sometida bajo pena de perjurio y yo declaro que la misma es cierta y correcta según mi información y creencia.]

In Caguas, Puerto Rico this 17th day of July 2017.
En Caguas, Puerto Rico hoy día 17 de julio 2017.

EDMIR RIVERA MOJICA

Label Matrix for local noticing

0104-3

Case 11-01045-ESL13

District of Puerto Rico

Old San Juan

Tue Jul 18 09:40:21 AST 2017

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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